

BMS

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

EDWARD BRACEY,

FILED

Petitioner,

MAY 27 2003

v.

MICHAEL E. KUNZ, Clerk

JEFFREY BEARD, et al.,

By _____

Dep. Clerk

Respondents,

CIVIL ACTION (HABEAS CORPUS)

No. 02-CV-3685

Hon. Berle M. Schiller

This is a capital case

**UNOPPOSED MOTION FOR AN EXTENSION OF
30-DAYS, DUE TO UNFORESEEN CIRCUMSTANCE, TO FILE
PETITIONER'S MEMORANDUM**

Petitioner, through undersigned counsel, moves for an extension of 30-days to file Petitioner's memorandum herein. This motion is not opposed by counsel for Respondents, who has no objection. In support, Petitioner submits:

1. Petitioner's memorandum in this habeas corpus action is due on Monday, June 2, 2003.
2. Undersigned Petitioner's counsel, however, was selected for jury service in a civil case in the Court of Common Please, Philadelphia County. The trial, we were informed, will last into the month of June.
3. Given this unforeseen circumstance, Petitioner respectfully moves for a 30-day extension to file his memorandum of law herein. Counsel shall not be available during the time of his jury service.

4. This matter was discussed with counsel for Respondents, Thomas Dolgenos, Esquire, of the Philadelphia District Attorney's Office. Respondents' counsel has no objection or opposition to this motion, and authorized this representation on his behalf.

WHEREFORE, Petitioner respectfully requests that the Court grant this 30-day extension for the reasons stated herein. (A proposed order accompanies this motion, for the Court's convenience).

Respectfully submitted,



BILLY H. NOLAS
Capital Habeas Corpus Unit
Federal Court Division
Defender Association of Philadelphia
437 Chestnut Street, Suite 510
Philadelphia, Pa. 19106-2414
215-928-0520

Dated: May 27, 2003

CERTIFICATE OF SERVICE

I, Billy H. Nolas, hereby certify that on this 27 day of May, 2003, I caused the foregoing *Unopposed Motion For An Extension of 30-Days, Due To Unforeseen Circumstances, To File Petitioner's Memorandum* to be served on the following person by first class mail:

Thomas Dolgenos, Esq.
Office of the Philadelphia County District Attorney
1421 Arch Street
Philadelphia, PA 19102

Billy H. Nolas
Billy H. Nolas

FILED
May 27, 2003
MICHAEL E. KUNZ, Clerk
By _____
Dep. Clerk

Dated: May 23, 2003